

Statement given at the City Council

BOSTON PUBLIC LIBRARY

GOVDOC

BRA

4241

My name is Christopher Iannella . I am a member of the

Boston City Council and I have been re-elected in November of 1973 as a member of the Boston City Council.

I appear here as a City Councillor for the purpose on this record of expressly challenging the jurisdiction of the Department of Government to hear and to approve or disapprove the Park Plaza Urban Renewal Plan for the following reasons:

1. On June 8, 1970 the Boston Redevelopment Authority declared the area identified as the Park Plaza Urban Renewal Project as blighted and decadent.
2. On June 15, 1971 the Authority adopted a resolution approving the Urban Renewal Plan for the Park Park Plaza Urban Renewal Project Area and resolved that the Director of the Authority should submit the plan to the Mayor for his submission to the City Council and thereafter to the Department of the Redevelopment Authority for its approval and findings, together with a relocation program and other materials as he deemed appropriate as provided by c. 121B, §48.
3. On September 21, 1971 a public hearing was commenced by Boston City Council to consider the plan and the loan order for 6.8 million dollars.
4. On <sup>Dec.</sup>September 6, 1971 the Boston City Council duly approved a motion to add the following new Section 13 to the proposed cooperative agreement between the City of Boston and the Boston Redevelopment Authority.



"13. Within one year of the date hereof the city shall have caused appraisals to be made of each of the properties in Disposition Parcels 4 and 5 (Stage 2). Such appraisals shall establish the value of each such property as of the date hereof and shall be made at the initial expense of the city: provided that the city shall be reimbursed for such expense by the person or persons selected to develop such parcels within thirty days after execution by him or them of a Land Disposition Agreement. Any Land Disposition Agreement entered into by the Authority for land in the \_\_\_\_\_

5. On December 6, 1971, the Boston City Council approved the Cooperation Agreement as amended. Also, on December 6, 1971, the proposed resolution approving the plan was amended by a vote of the City Council to include the following provision:

"It is the specific intent of the City Council that each of the approvals given by the City Council in its final vote adopting this resolution is conditioned on acceptance by the Authority of all of the changes voted by the Council whether in approving or amending the report of the Committee on Urban Development. If any of such changes are not effected by the Authority or Urban, all approvals herein given are specifically nullified and invalidated. Should the Authority find any changes unacceptable, it must resubmit the Plan for City Council approval with written notice of such changes as are recommended for City Council action." (emphasis added)

6. On December 16, 1971, the Authority voted to approve the Park Plaza Urban Renewal Plan and the Cooperation Agreement and other related documents, accepting the recommendations, modifications and changes voted by the Boston City Council.



7. On December 22, 1971, the votes of the Boston City Council were approved by the Mayor of Boston.

8. On January 6, 1972, a Cooperation Agreement by and between the Boston Redevelopment Authority and the City of Boston for the Park Plaza Urban Renewal Project was executed in the form approved by the Boston City Council.

9. Pursuant to Chapter 121B § 48 of the General Laws, the Authority, on January 13, 1972, submitted the Park Plaza Urban Renewal Plan to the Department of Community Affairs of the Commonwealth of Massachusetts. Pursuant to Chapter 121B § 48, twenty-five or more taxable inhabitants within the City of Boston, from both within and outside the Park Plaza Urban Renewal Project Area, requested in writing, within ten days after submission of the plan, a public hearing.

10. Hearings were conducted by the Department on the following dates: February 9, 1972, and thereafter on April 11, 1972 through April 13, 1972, inclusive.

11. On June 9, 1972, The Department disapproved the Park Plaza Urban Renewal Plan submitted by the Authority stating that the plan failed to meet five of the six statutory standards for approval of an urban renewal project required by General Laws c.121B § 48. A copy of the decision of the Department is hereto annexed and marked "C" and made a part hereof.

12. On November 21, 1972, the Authority authorized the resubmission of the Park Plaza Urban Renewal Plan without changes or



Digitized by the Internet Archive  
in 2011 with funding from  
Boston Public Library

<http://www.archive.org/details/statement00iann>

modifications, together with certain supporting data and arguments. The plan authorized to be resubmitted was the same plan which had been disapproved by the Department on June 9, 1972.

13. On November 28, 1972, the Park Plaza Urban Renewal Plan, without changes or modifications from the Plan as approved by the Boston City Council, was submitted to the Department together with certain supporting data and arguments pursuant to the provisions of c. 121B § 48. Pursuant to c. 121B § 48, twenty-five or more taxable inhabitants within the City of Boston, from both within and outside the Park Plaza Urban Renewal Project Area, requested, in writing, within ten days after the submission of the plan, a public hearing.

14. On December 6, 1972, one year from date of approval of the Park Plaza Urban Renewal Plan by the Boston City Council, and as of January 6, 1973, one year from the date upon which the Cooperation Agreement by and between the City of Boston and the Authority had been executed, neither the City of Boston nor the Authority had caused appraisals to be made of any of the properties in disposition parcels 4 and 5 (Stage 2) as required by the City Council as a condition of their approval of the Park Plaza Urban Renewal Plan.





15. Commencing January 16, 1973, to and including January 24, 1973, public hearings were conducted by the Department on the Park Plaza Urban Renewal Plan which had again been submitted to it by the Authority.

16. At the hearing conducted by the Department, the Authority submitted in evidence a letter dated January 3, 1973 from Herbert P. Gleason, Corporation Counsel for the City of Boston to Robert T. Kenney, Director of the Authority, which set forth a request of the City that the Authority make appraisals of each of the properties in disposition parcels 4 and 5 (Stage 2) of the Park Plaza Urban Renewal Project Area at the City's expense. That letter is in evidence here.

17. At the hearing conducted by the Department, the Authority submitted in evidence a letter dated January 5, 1973 from Robert T. Kenney, Director of the Authority to the Honorable Kevin H. White, Mayor of the City of Boston, advising that the Corporation Counsel of the City had asked the Authority to make appraisals of each of the properties of disposition parcels 4 and 5 (Stage 2) and that the Authority had requested William F. Morrissey to do so. Further, the Director stated in his letter that the Authority understood that the City would be unable to have the appraisals completed on or before January 6, 1973. The Director purportedly waived the requirement set forth in the Cooperation Agreement that appraisals be made before January 6, 1973 and agreed to extend the time within which the City was to cause appraisals to be made of each of the properties in disposition parcels 4 and 5 (Stage 2) to a date six months following final State approval of the Park Plaza Urban Renewal Project. A copy of said letter is



in evidence here.

18. Chapter 121B § 48 of the General Laws provides, with regard to the resubmission of an urban renewal plan, as follows:

"A plan which has not been approved by the Department when submitted may be again submitted to it with such modifications, supporting data or arguments as are necessary to meet its objections...."

19. On June 12, 1973, the Authority, for the third time, submitted the Park Plaza Urban Renewal Plan to the Department, together with certain supporting data and arguments, purportedly pursuant to c. 121B § 48. No changes or modifications in the urban renewal plan were submitted by the Authority to the Mayor and the Boston City Council, for their approval, prior to such submission.

Department does not have jurisdiction to act on the plan submitted to it for the following reasons:

- a) The plan now before the Department has not been approved by the Boston City Council by virtue of the failure of the City of Boston to have caused appraisals to be made of each of the properties in disposition parcels 4 and 5 (Stage 2) within one year from the date of the approval by the Boston City Council of the Park Plaza Urban Renewal Plan. The Authority has failed to effectuate the provisions of Article 13 of the Cooperation Agreement by and between the Authority and the City of Boston and has attempted to waive the condition imposed by the City Council that such appraisals be made within the time specified. In establishing this condition to its approval the Council expressly provided that the failure to make such appraisals shall make its approval of the plan and other actions taken by it with respect to the plan null and void. Therefore, the plan is not properly before the Department since it lacks the requisite approval by the Municipal Officers required by the provisions of c. 121B § 48.
- b) The Park Plaza Urban Renewal Plan submitted by the Authority contains no changes or modifications from the plan as approved by the Boston City Council in



December, 1971. The Authority has submitted certain supporting data and arguments purportedly pursuant to the provisions of c. 121B § 48. Twice within the past year. June 9, 1972, and February 26, 1973; the Park Plaza Urban Renewal Plan has been disapproved

20. On June 12, 1973, for the third time, more than 25 taxable inhabitants within the City of Boston, from both within and outside the Park Plaza Urban Renewal Project Area, in writing, requested that a public hearing be held by the Department with respect to the plan.

21. On June 14, 1973, the respondent Crampton gave notice of a public hearing to be held, with respect to the Park Plaza Urban Renewal Plan, on June 22, 1973.

22. Commencing June 22, 1973, to and including August 3, 1973, public hearings were conducted by the Department on the Park Plaza Urban Renewal Plan which had been submitted to it by the Authority.

23. I am informed and believe and therefore aver that both prior to, during and following the dates of these hearings, through and including September 28, 1973 substantial amounts of time and effort were expended by the Department, its administrative officials and personnel in connection with the Park Plaza Urban Renewal Project. I am further informed that such time with the expenses of the transcript and other related expenses exceeds the sum of \$100,000.00.

24. I am informed and believe that your Department and the officials of the Boston Redevelopment Authority and other have meet and conferred and have exchanged correspondence pertaining to the attempt of the Authority to procure approval of the Park Plaza Urban Renewal




Plan for the fourth time and following the disapproval of the Plan by the Department on September 28, 1973 for the third time.

25. I am informed that the Department invited the submission for the fourth time and that it has entered into agreements with the Authority to approve the Park Plaza Urban Renewal Plan.

*26.* On December 5, 1973, the Authority, for the fourth time, submitted the Park Plaza Urban Renewal Plan to the Department together with certain supporting data and arguments, purportedly pursuant to c. 121B, §48. No changes or modifications in the urban renewal plan were submitted by the Authority to the Mayor and the Boston City Council for their approval prior to the fourth submission.

27. The Department maintains that it has jurisdiction to hear and approve the Plan.

 On December 5, 1973, *Commissioner* ~~the Department~~ Crampton transmitted to the Honorable John F. X. Davoren purportedly for filing under G. L. c. 30, §37 and c. 30A, §3(3) "Proposed Rules for Public Hearings Conducted by the Department Pursuant to G. L. c. 121B, Section 48." A copy of that transmittal is *submitted now* ~~attached hereto~~ marked "4". These rules are to govern the procedure at the contemplated hearing.

29. The Statement of Reasons made by the Department for dispensing with the requirements of a public hearing to present views on the proposed Plan required by General Laws Chapter 30(a) (1) and (2)





is false and deceptive for the following reasons:

(a) the allegation that the hearings are similar to those conducted by city and towns under General Laws section 30(a) and that the rules for such hearings are "generally known and accepted and the need for further views is unnecessary" is not true and is not supported by the facts. In fact, your Department has previously promulgated rules and regulations for adverse hearings upon resubmission under a urban renewal plan under Chapter 121(b) Section 48.

(b) The allegation of insufficient time to receive oral or written presentation of views is contrary to Chapter 121B Section 48. That section directs the Department to render a decision in 60 days from the date of the findings and nothing compels the Department to do so.

(c) In November of 1973 an election of members of the Boston City Council was held in this City. The following citizens of Boston were elected as City Councillors having pledged in writing to "vote to rescind the Park Plaza Urban Renewal Plan": John Connally, Lawrence DiCarra, Mrs. Louise Hick, Gerald O'Leary, Albert O'Neil and Christopher Iannella.



30. Similarly on December 5, 1973 the Department transmitted to the Secretary of State purportedly under G. L. Chapter 30A Section 3(3) a new Section XIII establishing a substantive rule and regulation and repealing prior regulations, a copy of that regulation is submitted here.

The reasons set forth by the Department for dispensing of the requirements of notice and an opportunity for the public to present views on this significant substantive change required by Chapter 30A is also deceptive for the following reasons: the Department has known at least since April 4, 1973 that such regulations governing non-State-aided urban renewal would be required by the Department to carry out its responsibilities.

Notwithstanding that fact, the Department has on three separate occasions (April 4, 1973; June 12, 1973; and December 5, 1973) promulgated regulations not in accordance with the express requirements of Chapter 30A Section 3. The Department has had at least nine (9) months in which to comply with the twenty-one (21) day notice of the hearing provision in Chapter 30A.

31. On December 13, 1973 twenty-five (25) taxable inhabitants petitioned for hearing, at the same time challenging the jurisdiction of this Department.

32. For these reasons the Department has no legal authority to conduct these hearings or to approve or disapprove the Park Plaza Urban Renewal Plan.

